

TASK FORCE ON BEST PRACTICES IN SPECIAL EDUCATION
AND BEHAVIOR MANAGEMENT

The Task Force on Best Practices in Special Education and Behavior Management held a meeting at the Arizona Department of eEducation, 2005 N. Central Avenue, Room 100, Phoenix, Arizona, on August 14, 2009, from 9:00 a.m. to 5:00 p.m.

Members Present

Roberta Brown
Sylvia Cohen
Daniel Davidson
Kali Fedor
Melissa Fields
George Huggins
Teri Rademacher
Michael Remus, Chairperson
Holly Reycraft

Others Present

Lynn Busenbark, ADE/ESS
Candice Trainor, ADE/ESS

Minutes approved (As Read) (As Amended)

Chairperson: _____
Signature Date

Topic	Discussion	Assigned Tasks
1. Roll Call.	Mr. Remus asked each member to introduce themselves by name.	1. None.
2. Review and approval of task force minutes from July 16 and July 30, 2009.	<p>The review of minutes from the meeting held on July 16, 2009, included proposed changes to the minutes.</p> <p>The motion to accept the changes as amendments to the minutes from the July 16, 2009, meeting was moved by Ms. Brown and seconded by Ms. Rademacher. Motion carried.</p> <p>The motion to adopt the minutes of the July 16, 2009, meeting as amended was moved by Dr. Davidson and seconded by Ms. Brown. Motion carried.</p> <p>The review of minutes from the meeting held on July 30, 2009, included proposed changes to the minutes.</p> <p>The motion to amend section 6, Call to the Public, by expanding on the comments made by the parents and community members was moved by Dr. Davidson and seconded by Ms. Rademacher.</p> <p>Discussion – Ms. Reycraft stated there was a lot of moving testimony by the parents who took time to express their personal experience regarding this issue. It should be reflected in the minutes of the meeting.</p> <p>Motion carried.</p> <p>The motion to amend the document with recommendations made by Ms. Rademacher was moved by Ms. Rademacher and seconded by <u>Dr. Ms. Cohen Cohen</u>. Motion carried.</p>	<p>2. Ms. Trainor will amend minutes as approved by task force for July 16, 2009. The minutes were approved as amended.</p> <p>The minutes from July 30 will be edited to include additional call to public comments. The approval of these minutes was tabled to the next meeting.</p>

Topic	Discussion	Assigned Tasks
	<p>Motion to adopt the minutes of the July 30 meeting was moved by Ms. Rademacher and seconded by Dr. Davidson.</p> <p>Discussion – Ms. Brown stated that it might be better to table the approval of the minutes until the next meeting so that task force members had an opportunity to review the edits.</p> <p>Motion failed.</p> <p>Ms. Brown moved to table the approval of the minutes from July 30th until edits are complete. Ms.<u>Dr.</u> Cohen seconded.</p> <p>Motion carried.</p>	
3. Call to the public.	<p>Char Ugol, parent and member of SEAP, an excerpt from her comments.</p> <p>Ms. Ugol is identified herself as a parent of a child with Autism and a state board member of SEAP. She thanked the task force for the efforts and thoughtful research they have committed to the drafting of this document. She spent time reading from the testimony that she gave to the Arizona Senate and House education committees during the creation of Senate Bill 1197. The Arizona Center for Disability Law reported over 50 cases of seclusion and restraint abuse in Arizona as reported by families.</p> <p>She referenced a Disability Rights Network document which asserted that children who suffer harm or death from seclusion or restraint abuse in America, the children did not pose a threat to themselves or others but rather were doing some other behavior such as a verbal protest or non-compliance. She named three children who had died in the last school year as a result of seclusion and restraint from across the United States. In a local focus, Ms. Ugol reported the presence of a seclusion room that featured a broken observation camera and a door that locked from the outside in Prescott, Arizona. She mentioned a couple from Gilbert who requested new restraint policy for Autistic children as their son was sat on by a school staff person because the child's letter board</p>	3. None.

Topic	Discussion	Assigned Tasks
	<p>was too messy.</p> <p>Renald Fowler, Arizona Center for Disability Law The Arizona Center for Disability Law is associated with the national protection advocacy organizations throughout the United States. Mr. Fowler described a report by the National Disability Rights organization that outlines the recommendations addressing this issue for public school systems. Mr. Fowler asserted that the ACDL believes the issue of seclusion and restraint needs legislation. He stated that the local school districts and lawmakers should rise above politics and remember that this is about the health and safety of kids. The policies should be uniform throughout the state of Arizona.</p>	
4. Discussion and possible vote on the protocols for decision-making regarding the task force report contents.	<p>The task force discussed the options on what to do in the event that there was a disagreement between members on key issues in the document. It was decided to set the guidelines before continuing the discussion of the document.</p> <p>One topic of discussion was the issue what to do if the group could not come to consensus.</p> <p>Ms. CohenDr. Cohen moved to make an addendum to the report that explains any disagreements in areas that the task force is not able to come to consensus in the main report. Ms. Brown seconded.</p> <p>Discussion: The group discussed the various methods that they would employ to come to consensus.</p> <p>Motion carried.</p>	4. None.

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	<p>Ms. Rademacher moved that the task force will be involved in discussion in an effort to reach consensus, but at a point recognized by the Chairperson, that discussion becomes counterproductive, he may call for the vote. Ms. Reycraft seconded.</p> <p>Discussion: Ms. Brown recommended that any Chairperson initiated call for the vote made based on this motion are recorded as roll call votes.</p> <p>Motion carried.</p>	
5. Presentation of additional documents submitted for consideration.	<p>Dr. Busenbark presented the additional documents that were used in the drafting of the report. The information used included the following documents:</p> <ul style="list-style-type: none"> 13. The Government Accounting Office (GAO) on Seclusions and Restraints State Policies/Procedures/Statutes 14. Wisconsin Department of Public Instruction Directives 15. Iowa Code 16. Nevada Statutes Other technical assistance documents 17. Email from the State Fire Marshal 18. USFR Memorandum No. 185 19. Revisions and suggestions from task force members <ul style="list-style-type: none"> a. Michael Remus b. Dan Davidson c. George Huggins 20. Letters submitted from the public <ul style="list-style-type: none"> a. Daniel Kessler b. Pamela Murphy 21. Email from Angel Jannasch-Pennel (through Vince Yanez and Karla Phillips) 	5. None.

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	<p>A document sent by Dr. Davidson to Dr. Busenbark was not included in the information relayed by email to the task force. It was decided that if the document was referenced in the completion of the report, that it would be added to the appendix of the report.</p>	
6. Review and revision of the report.	<p>Dr. Davidson proposed an alternative method to review the document to ensure that the document reflected the Best Practices recommended by the task force. Rather than focusing on the semantics of the document, the group should work toward defining the main principles of the document.</p> <p>Ms. Reycraft indicated that she would like to spend some time discussing some of the key issues before crafting the document.</p> <p>Mr. Remus stated that the group would begin reviewing from the first section and work forward. It would not pick up from where the task force left off and move forward.</p> <p>Dr. Busenbark indicated that she would like to see the document begin with an introductory paragraph that clearly articulates what the document holds.</p> <p>Ms. Brown agreed that the document could be reorganized so that it is easily read by someone who is not very familiar with the topic.</p> <p>The format of the document was adapted to have the following headings:</p> <ul style="list-style-type: none">• Introduction• General Recommendations and Research Findings• Specific Recommendations for Schools Regarding<ul style="list-style-type: none">I. Positive School Practices and ClimateII. Tiered InterventionIII. Crisis Management Recommendations<ul style="list-style-type: none">A. SeclusionB. Physical and Mechanical RestraintsC. Corporal Punishment	6. None.

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	<p>The Introductory paragraph of the document was crafted to ensure that each task appointed to the task force was addressed.</p> <p>For the Introduction paragraph:</p> <p>The task force on behavior management recommends that schools:</p> <ol style="list-style-type: none">1. Create a positive school climate through direct teaching of clear expectations for student behavior, consistent and fair application of rules, identifying and managing areas for conflict, and training staff in methods of positive behavior supports for all students result in a reduction of school incidents requiring more punitive reactions2. Restrict the use of crisis management techniques of restraint and/or seclusion to cases of imminent danger to a student or other persons.3. Train school staff in proactive behavior management strategies, crisis de-escalation, non-injurious crisis intervention, and the development and implementation of behavior intervention plans for identified students.4. Report every instance where crisis management actions have been used to the parents [as defined in ARS 15-761(21)] and to the school, central office administration, and LEA's governing board so that the data can be used to make appropriate modifications to policy, training and practice. <p>The following topics were discussed during the meeting as the document was created.</p> <p><u>Reporting</u></p> <p>In the discussion of number 4, a concern was brought up about reporting incidences in which crisis management was used. One recommendation was to report incidences of crisis management to an organization outside of the school, central office administration and LEA's governing board. One idea was to report the information to the Arizona Department of Education, however, at this time; there is not a system in place to receive the information. ADE is only required to collect information from schools according to federal or state statute. Currently, there is no tracking system available to record the reports of crisis management on a statewide level. Until the statewide reporting system is created, LEAs are encouraged to gather their own data and use the data to make modifications to policy, training and practice.</p>	

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	<p><u>AZ Safe</u></p> <p>Jean Ajamie, Director of School Safety and Prevention, came to the meeting to discuss the AZ Safe Project and how the reporting of student behavior is currently received by the Department of Education. AZ Safe gathers information from LEAs about Violations committed by students (i.e., behaviors by students that violate the student code of conduct, rules or laws) and the Actions that schools have taken (i.e., Removal from school, Contacting law enforcement, and holding Team Meetings). The data is used throughout the year, not just at the end of the year reports. One of the benefits of using AZ Safe is that there is consistency in defining terms and concepts from LEA to LEA. The task force was invited to review the terms used in AZ Safe. Districts have latitude to add other phrases; however the addition of too many terms can affect the aggregation of the data. Restraint and Seclusion related incidences can be added by using AZ Safe Online within the next two weeks, as the developers are still on the project, otherwise the information will have to be added at the beginning of next school year. Dr. Davidson remarked that this project gives us a very good start; schools that are using AZ Safe online can begin tracking information about seclusion and restraint now.</p> <p><u>Defining Capital Property</u></p> <p>This topic was tabled from the previous meeting.</p> <p>Creating the definition of capital property directly led to a discussion on Physical Restraint. One major concern is that task force members were divided on the need to define the “destruction of property” and its relationship to physical restraint. One of the issues brought forth from this conversation is that cases have been reported of children being restrained because they were damaging school property (writing on desks, pulling papers off of bulletin boards), not because students were a danger to themselves or others. A concern was noted that if we allowed destruction of school property to be a valid reason to restrain a child, then frequency of restraint may increase throughout the state. The group came to consensus on adding a clause to the definition of physical restraint and its relationship to destruction of property.</p>	

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	<p><u>Physical Restraint</u></p> <p>The group spent a great deal of time trying to come to consensus on the definition of Physical Restraint. Ms. Reycraft stated that across Arizona, staff members at schools are not appropriately trained in restraint and that restraint is being misused in the school system.</p> <p>The task force looked at documents from Illinois and Michigan to create a definition of physical restraint that includes:</p> <p style="padding-left: 40px;">Physical restraint is the application of physical force by one or more individuals that prevents or significantly restricts a student's movement.</p> <p style="padding-left: 40px;">Restraint is a last resort emergency safety intervention.</p> <p>The group decided that physical restraint may be appropriate to momentarily (less than one minute) hold a student in order to prevent an impulsive behavior that threatens the student's or others immediate safety or the destruction of property. The addition of the phrase "momentarily" was done to clearly indicate that restraint should not be employed for long periods of time and should only be used in cases that would ensure the safety of the student and others.</p> <p><u>Parental Notification</u></p> <p>The group discussed the importance of parental notification when crisis management had been used. It was determined that parents must be notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded (or restrained) , the location of seclusion (or restraint) and the person(s) who observed the seclusion (or restraint) must follow. This recommendation was made to encourage schools to report accurately and timely any instance that crisis management is used for schoolchildren.</p> <p><u>Crisis Management Recommendations</u></p> <p>Crisis management was defined by the group and three major headings were included in this section: Seclusion, Physical and Mechanical Restraints, and Corporal Punishment.</p>	

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	<p>The task force decided that corporal punishment should be prohibited.</p> <p>Seclusion and restraints (physical and mechanical) should only be used to respond to imminent danger to the student, other students or staff. Seclusion and Restraint were defined, policies and procedures were delineated, prohibitions were named, and trainings were recommended.</p> <p><u>Appendices</u></p> <p>The final pieces of the document will include resources for training. Task force members provided information about ADE Supported Opportunities, State Supported Opportunities, and Community Opportunities.</p>	
7. Consideration to adopt the task force's final report, as revised.	<p>The final document will be prepared by Dr. Busenbark and distributed by email to Mr. Remus, Chairperson, and Ms. Rademacher, appointed as editor of the report. The final, edited version of the document will be distributed by Ms. Trainor to all members of the Task Force by Tuesday, August 18, 2009.</p> <p>The task force will meet on Wednesday, August 19, 2009 at 3:00 p.m. to review and adopt the minutes from the July 30th and the August 14th meetings.</p> <p>The task force will present the report on August 19, 2009, at the final meeting.</p>	<p>7. Each task force member will read the draft of the report as edited by Ms. Rademacher by the meeting day of August 19, 2009.</p> <p>The task force will reconvene on August 19, 2009 at 3:00 p.m.</p>
8. Adjourn	<p>The meeting was adjourned at 4:55 p.m.</p>	<p>8. None.</p>